

REMARKS

Claims 1, 4, 6, 8, and 9 are pending in the present Application. Claim 4 has been canceled and Claims 21 and 22 added, leaving Claims 1, 6, 8, 9, 21 and 22 for consideration upon entry of the present amendment.

Support for the amendment to Claim 1 can be found in Claim 4 as originally filed.

Support for the new Claims 21 and 22 can be found at least in Claims 1 and 4 respectively. Support for the new Claims 21 and 22 can also be found in paragraph numbers [0021] to [0047] and paragraph numbers [0068] to [0089] in the U.S. Publication of the present invention.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 4, 6, 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is alleged in the Office Action dated May 11, 2009 that Claim 1 recites the limitation “(d) a mixture of the cyclic siloxane and silane.” It is unclear whether by this statement, the Applicant refers to the cyclic siloxane represented by the Chemical formula 3, or not.” (See Office Action dated 11-23-2009, page 2)

Claim 1 has now been amended to recite “A method for preparing organic silicate polymer, comprising:

- i) mixing silane compound with organic solvent to form a first mixture, the silane compound being one selected from the group consisting of:
 - b) cyclic siloxane represented by the following Chemical Formula 3, and
 - d) a mixture of the cyclic siloxane represented by the Chemical Formula 3 and silane or silane oligomer represented by the following Chemical Formula 4 or Chemical Formula 5, respectively;” (See Claim 1 above)

The Applicants believe that this amendment renders the rejection moot. The Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. 112, second paragraph, and an allowance of the claims.

Claims 1, 4, 6, 8 and 9 are rejected under 35. U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,618,665 to Braun et al. (Braun). (See Office Action dated 11-23-2009, page 2)

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

In making the rejection, the Examiner has stated “the methyl (2-phenylpropyl)disiloxanediol of Braun et al meets the limitation of a siloxane oligomer prepared by oxidizing hydrosilane oligomer represented by the Chemical Formula 1 of the instant claim.” (See Office Action dated 11-23-2009, page 3)

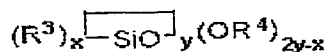
Claim 1 as presently amended is directed to a method for preparing organic silicate polymer, comprising i) mixing silane compound with organic solvent to form a first mixture, the silane compound being one selected from the group consisting of:

b) cyclic siloxane represented by the following Chemical Formula 3, and

d) a mixture of the cyclic siloxane represented by the Chemical Formula 3 and silane or silane oligomer represented by the following Chemical Formula 4 or Chemical Formula 5, respectively; and

ii) hydrolyzing and condensing the first mixture by adding water and catalyst;

Chemical Formula 3



wherein R³ is hydrogen, fluorine, aryl, vinyl, allyl, or linear or branched C₁₋₄ alkyl substituted or unsubstituted with fluorine; R⁴ is hydrogen or linear or branched C₁₋₄ alkyl; x and y are independently an integer of 3 to 10, and (2y-x) is an integer of 1 to 17;

Chemical Formula 4

SiR⁵_pR⁶_{4-p} wherein: R⁵ is hydrogen, aryl, vinyl, allyl, or linear or branched C₁₋₄ alkyl substituted or unsubstituted with fluorine; R⁶ is acetoxy, hydroxy, or linear or branched C₁₋₄

alkoxy; and P is independently an integer of 0 to 2;

Chemical Formula 5

$R_q^7 R_{3-q}^8 Si-M-Si R_r^9 R_{3-r}^{10}$ wherein: R^7 and R^9 are hydrogen, aryl, vinyl, allyl, or linear or branched C_{1-4} alkyl substituted or unsubstituted with fluorine, respectively; R^8 and R^{10} are acetoxy, hydroxy, or linear or branched C_{1-4} alkoxy, respectively; M is C_{1-6} alkylene or phenylene; and q and r are independently an integer of 0 to 2.

Braun teaches a method of preparing a copolymer of methyl(2-phenylpropyl)siloxy radicals and dialkylsiloxy radical. (See Abstract) The method involves the cohydrolysis of methyl(2-phenylpropyl)disiloxanediol with dialkylcyclsiloxane using a potassium hydroxide catalyst. (See Col. 1, line 55 – Col. 2, line 37) Braun thus teaches that the methyl(2-phenylpropyl)disiloxanediol meets the limitations of a siloxane oligomer prepared by oxidizing hydrosilane oligomer represented by the Chemical Formula 1 of the instant claim. Since Claim 1 no longer contains the structure of Formula 1, Braun cannot anticipate the claimed invention. The Applicants respectfully request a withdrawal of the anticipation rejection and an allowance of the claims.

Similarly, independent Claim 21 does not contain the structure of Formula 1. The methyl(2-phenylpropyl)disiloxanediol obtained from Claim 21 should therefore be allowable over Braun. The Applicants respectfully request allowance of Claim 21 and the claim dependent from it – notably Claim 22.

It is believed that the foregoing amendments and remarks fully comply with the Office

Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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